

**ASSEMBLY BILL**

**No. 1021**

**Introduced by Assembly Member House**

February 25, 1999

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An act to add Section 11374.7 to the Health and Safety Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

AB 1021, as introduced, House. Controlled substances: disposal.

Existing law requires any manufacturer of a controlled substance who is convicted of disposing of any hazardous substance that is a controlled substance or a chemical used in the manufacture of a controlled substance in violation of any law regulating the disposal of hazardous substances or hazardous waste to pay a penalty equal to the amount of the actual cost of any gross evidence removal of hazardous substances or hazardous waste that is incurred by an agency as a result of the illegal disposal.

This bill additionally would make it a felony with specified penalties, including fines and imprisonment, for any person engaged in the unlawful manufacture, possession, sale, or use of any controlled substance to dispose, dump, or place, or allow to be disposed, dumped, or placed any controlled substance or drug paraphernalia into any river, creek, pond, reservoir, stream, wet or dry well of any kind, or any other surface, aquifer, or groundwater water source used or intended to be used for drinking purposes within the vicinage or of any city, county, town, water district, water agency, or

other district of this state. By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 11374.7 is added to the Health  
2 and Safety Code, to read:

3 11374.7. (a) No person engaged in the unlawful  
4 manufacture, possession, sale, or use of any controlled  
5 substance shall dispose, dump, or place, or allow to be  
6 disposed, dumped, or placed any controlled substance or  
7 drug paraphernalia into any river, creek, pond, reservoir,  
8 stream, wet or dry well of any kind, or any other surface,  
9 aquifer, or groundwater water source used or intended to  
10 be used for drinking purposes within the vicinage of or  
11 within any city, county, town, water district, water  
12 agency, or other district of this state.

13 (b) (1) As used in this section, the term “controlled  
14 substance” means heroin, cocaine, cocaine base,  
15 methamphetamine, or phencyclidine (PCP), or any  
16 other drug, substance, or immediate precursor that is  
17 listed in any schedule in Section 11054, 11055, 11056,  
18 11057, or 11058.

19 (2) As used in this section, the term “drug  
20 paraphernalia” has the same meaning as that term is  
21 defined in Section 11014.5.

22 (c) The violation of this section is a felony, punishable  
23 as follows:

24 (1) For the first offense, imprisonment in the state  
25 prison for five years, or by a fine, or by both that  
26 imprisonment and fine.



1 (2) For a second offense, imprisonment in the state  
2 prison for seven years, or by a fine, or by both that  
3 imprisonment and fine.

4 (3) For any subsequent offense, imprisonment in the  
5 state prison for 25 years to life.

6 (d) Each incident of disposal, dumping, or placement  
7 is a separate offense. Any term of imprisonment shall be  
8 served in addition to any other term of imprisonment  
9 imposed by law.

10 (e) All fines collected pursuant to this section shall be  
11 distributed to the city, county, town, water district, water  
12 agency, or other district in the jurisdiction of which the  
13 unlawful disposal, dumping, or placement occurred. If  
14 the unlawful disposal, dumping, or placement occurs in  
15 more than one jurisdiction, then the fines shall be  
16 proportionally distributed to each affected jurisdiction.

17 SEC. 2. No reimbursement is required by this act  
18 pursuant to Section 6 of Article XIII B of the California  
19 Constitution because the only costs that may be incurred  
20 by a local agency or school district will be incurred  
21 because this act creates a new crime or infraction,  
22 eliminates a crime or infraction, or changes the penalty  
23 for a crime or infraction, within the meaning of Section  
24 17556 of the Government Code, or changes the definition  
25 of a crime within the meaning of Section 6 of Article  
26 XIII B of the California Constitution.

